IN THE HIGH COURT OF JUDICATURE OF CHHATISGARH AT BILASPUR

W.P. No. 2150 / of 2001

(Under Articles 226 & 227, Constitution of India)

PETITIONER : Dayaram Zabuji Patke, son of Shri Zabuji Patke, aged about 58 years, by occupation - service, r/o D-114, Sector-I, Devendra Nagar, Raipur.

VERSUS

RESPONDENTS :

1. Union of India, through the Secretary, Ministry of Telecommunication, New Delhi.
2. Chief General Manager, Telecom, Madhya Pradesh Circle, Bhopal (M.P.).
3. General Manager, Telecom, Raipur District Raipur.
4. Deputy General Manager, Telecom, Raipur District Raipur.
5. Telecom District Engineer, Raipur Division, Raipur.
6. Central Administrative Tribunal, Jabalpur Bench, Jabalpur, through its Deputy Registrar.

OATH COMMISSIONER Smt L. D. PATEL B.A. LL.B. JABALPUR 10 DEC 2001

PETITION UNDER ARTICLES 226 & 227, CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, C.J. &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No. 240 OF 2001

PETITIONER Dayaram Zabuji Patke

Versus

RESPONDENTS Union of India & others

Present : Shri Parag Kotecha, counsel for the petitioner.
Shri R.M. Solapurkar, counsel for respondents No. 3 & 4.

ORAL ORDER
(Passed on 01st March, 2007)

The following oral order of the Court was passed by **H.L. Dattu, C.J.**

The order passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur in O.A. No.696 of 2000 is the subject matter of this writ petition at the instance of the petitioner.

(2) The petitioner was working with the respondents. He was of the view that he is entitled for the benefit under the Time Bound Promotion Scheme which has come into effect from 13.11.1983 and Other Benefits Scheme which has come into effect from 1.1.1991. Since the respondents had rejected the request of the petitioner, he filed an application O.A. No.696 of 2000 before the Central Administrative

Tribunal, Jabalpur Bench, Jabalpur ('the Tribunal' for short). The Tribunal has rejected the application so filed by the petitioner only on the ground of delay and laches on the part of the petitioner in approaching the Tribunal nearly after a decade from the date the aforesaid schemes have come into existence.

(3) Before the Tribunal, the petitioner had contended that he was filing repeated representations and it is only after disposal of the representation / review petition by order dated 24.12.1999, he has filed the present application.

(4) The Tribunal has taken into consideration that the representation filed by the petitioner had been rejected by the respondent / authorities on 6.12.84 itself and it is only after 15 years from the date of rejection of the representation, he had filed a review petition before the respondents and that review petition came to be rejected on 24.12.1999. The Tribunal has also observed in its order that mere filing of the representation would not save the period of limitation. To come to that conclusion the Tribunal has relied on the observations made by the Apex Court.

(5) In our opinion, the Tribunal is fully justified in rejecting the application filed by the petitioner on the ground of delay and laches. If for any reason, the petitioner is of the view that he is entitled for certain benefits under the aforesaid schemes which have come into existence on 13.11.83 & 1.1.91, he should have approached the Tribunal within a reasonable time. Since that has not been done by the petitioner, the Tribunal is justified in rejecting the petitioner's application on the ground of delay and laches on the part of the petitioner in approaching the

Tribunal. We do not find any error in the impugned order. In fact, the order passed by the Tribunal is in consonance with the law declared by the Apex Court. Therefore, interference with the impugned order is not called for. Accordingly the writ petition is rejected.

Sd//-
V.K.Shrivastava
Judge

Sd/-
Chief Justice